THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.1591 of 2006

Dated: 15th November, 2006

Between:

P.Upender Reddy. **…..PETITIONER**

AND

Nagarjuna Grameena Bank,
represented by its Chairman,
Khamman & another. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.1591 of 2006

ORDER:

This writ petition is filed by the petitioner to declare the action of the 2nd respondent in not permitting the petitioner to take assistance of Shri. A. Satyapal Reddy as defence representative as illegal, arbitrary and contrary to law.

Petitioner joined the services of the respondent Bank in the year 1977 as clerk and thereafter was promoted as Field Officer in the year 1979. Petitioner states that he was issued a charge sheet dated 8-10-2004 alleging 23 charges, for which he made representations on 8-1-2005 and 15-1-2005 requesting the

1st respondent, to permit him to pursue the record relating to the charges leveled against him for which the 1st respondent did not respond. Petitioner further states that he submitted series of representations since then to permit him to peruse the record relating to allegations, but he was not permitted, and as such, he could not submit his explanation to the charge sheet dated

8-10-2004. The 1st respondent without permitting him to peruse the documents appointed the 2nd respondent as enquiry officer to conduct

enquiry. Petitioner appeared before the 2nd respondent and submitted representation-seeking permission to appoint said Satyapal Reddy as his defence representative, but the

2nd respondent refused to appoint the said Satyapal Reddy as defence representative of the petitioner on the ground that said Satyapal Reddy was already having three cases on hand, and since the general practice in the banking institutions does not permit him defending of more than three cases at a time, his request cannot be conceded.

While ordering notice before admission on 30-1-2006 this Court stayed further proceedings in the enquiry for a period of three weeks. Thereafter, 1st respondent filed counter affidavit stating that it is a general practice in the Banking Institutions not to permit any employee to act as Defence representative, who has in hand three cases, at a time and inasmuch as said Satyapal Reddy was already having three cases on hand as defence representative, the enquiry officer did not allow him as defence representative of the petitioner.

Heard the learned counsel for the petitioner as also the learned Standing Counsel for the respondents.

On three occasions earlier and today, when the matter came up for hearing, learned counsel for the petitioner submitted that

said Satyapal Reddy had been relieved of all the three cases and the petitioner may be permitted to appoint him as his defence representative. The said fact of Sri Satyapal Reddy being relieved of all the three cases is not disputed by the learned Standing Counsel for the respondents.

Inasmuch as it is stated by the learned counsel for the petitioner that said Satyapal Reddy was relieved of all the three cases, which

fact is not disputed by the learned Standing Counsel for the respondents, I deem it appropriate to dispose of the writ petition with the following direction:

If the statement made by the petitioner that Shri Satyapal Reddy is relieved of all the three cases in which he was defence representative is true and correct, the respondents are directed to reconsider the issue of the petitioner taking the assistance of said Satyapal Reddy as his defence representative. No costs.

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(N.V. RAMANA, J.)

Date:15th November, 2006.

GRK